

**RECEIVED
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE NOV 17 2005**

First Named Inventor: DOMEL) Art Unit: 3634
)
Serial No.: 10/062,655) Examiner: Johnson
)
Filing Date: February 1, 2002) Case No. #: 1006.023
)
For: OPERATING SIGNAL SYSTEM AND) 750 "B" Street, Suite 3120
METHOD FOR CONTROLLING A) San Diego, CA 92101
MOTORIZED WINDOW COVERING)
) Customer No.: 24955

**FACSIMILE TRANSMITTAL IN CONNECTION WITH THE ORDER RETURNING
UNDOCKETED APPEAL TO EXAMINER**

Commissioner for Patents
Alexandria, VA 22313
Facsimile No.: (571) 273-8300

Dear Sir:

In connection with the Order Returning Undocketed Appeal to Examiner dated November 4, 2005, Applicant submits the following:

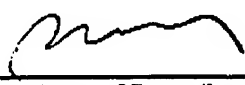
- 1) Credit Card Payment form PTO-2038 in the amount of \$1000 to cover the fees for the Notice of Appeal and Appeal Brief previously filed; and
- 2) A copy of the Order Returning Undocketed Appeal to Examiner.

Respectfully submitted,

11/18/2005 TL0111 00000039 10062655

01 FC:1401
02 FC:1402

500.00 OP
500.00 OP


John L. Rogitz, Atty. of Rec., Reg. No. 33,549
750 "B" Street, Suite 3120, San Diego, CA 92101
Telephone: (619) 338-8075

We are transmitting a total of 5 page(s) including this cover sheet on November 17, 2005.

IF YOU DO NOT RECEIVE ALL TRANSMITTED PAGES, PLEASE CALL US AT:

619/338-8075

ORIGINAL DOCUMENTS WILL BE SENT VIA:

☐ U.S. MAIL

☐ FEDERAL EXPRESS

☐ MESSENGER

☒ WILL NOT BE SENT

1006.025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DOUGLAS R. DOMEL and WINSTON G. WALKER

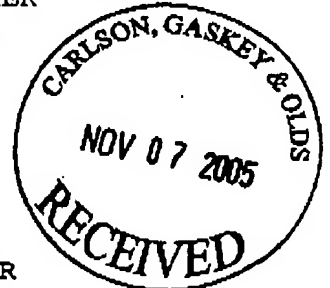
Application No. 10/062,655

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

MAILED

NOV - 4 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES



This application was electronically received at the Board of Patent Appeals and Interferences on October 4, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 13, 2005, appellants filed an appeal brief. A review of the file reveals that the fee was not charged for the appeal brief. Before further review of this file, the appeal brief fee must be applied to the appellants' account.

In addition, the examiner has not listed the references to van Dinteren and Buccola in the Evidence Relied Upon section of

Application No. 10/062,655

the examiner's answer mailed September 15, 2005 (see page 2 of the final Office action mailed June 28, 2005). The examiner must list these references in the Evidence Relied Upon section before further review of this application.

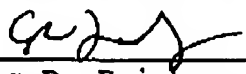
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry of the appeal brief fee; 2) entry of the missing references to van Dinteren and Buccola in the Evidence Relied Upon section of a supplemental examiner's answer; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


Craig R. Feinberg
Program and Resource Administrator
(571)272-9797

Application No. 10/062,655

cc: Carlson, Gaskey & Olds, P.C.
400 West Maple Road
Suite 350
Birmingham, MI 48009

CRF/tdl